

### REMARKS/ARGUMENTS

This Amendment is submitted in response to the first Official Action dated June 29, 2005.

At the outset, applicants' attorney would like to thank the Examiner for the very thorough review and analysis of the subject application. The formal objections to the specification and claims appear to be well founded, and appropriate amendments have been made herein to overcome the objections.

In response to the "Information Disclosure Request", applicants' attorney has inquired of the named inventors if they have any printed matter from hobby magazines or the like relating to solid lubrication of paint ball guns and each responded in the negative.

Concerning the objections to the specification, an appropriate amendment has been made at page 10, line 20, to provide an antecedent support for ultra high molecular weight polyethylene that had been identified in claim 5.

The lack of support for the coating method of claim 13 has been obviated by cancellation of claim 13.

Appropriate amendments have been made to the specification between page 5, line 18 and page 6, line 9 which are believed to obviate the examiner's objections.

The examiner indicated that it was unclear how metal, such as nickel, silver, steel, zinc, cobalt, can be lubricants. By way of explanation, the specification points out that the majority of the parts in paint ball markers are fabricated from aluminum and, as such, will typically have microscopic pits in the surface thereof. The listed metals, applied as a lubricant, tend to fill in these pits providing a smoother surface and reduced friction between mating moving parts.

The typographical error appearing at page 11, line 3, has been corrected.

Turning next to the "Claim Objections" set out in the Office Action, the typographical error in claim 2, line 1, has been corrected by changing "stop" to – step --. Then, the objection to claim 3, line 1, is obviated by the deletion of the words "items of the". Claim 5 has been amended to substitute "ultra high molecular weight" for the

abbreviation "uhmw". By the present amendment, claim 13 has been deleted so the objection to it is now moot.

Turning next to the "Claim Rejections – 35 U.S.C. §112", appropriate amendments have been made to claims 3, 6 and 8 to rectify the §112 rejections.

Turning next to the "Claim Rejections – 35 U.S.C. §102", in paragraph 11 of the Office Action, the Examiner has found claims 3-4 and 8-9 as free of the prior art but rejected those claims under 35 U.S.C. §112, second paragraph.

As already explained above, appropriate amendments have been made to overcome the formal objections under §112. Claim 3 has been written in independent form and should now be allowed.

Dependent claims 2, 6, 7, 11, 12 and 14 have been amended so as to now depend from allowable claim 3, placing them also in condition for allowance.

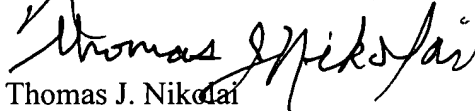
Claim 10 has been rejected under 35 U.S.C. §112 as having been fully met by the teachings of the Scott U.S. Patent 6,233,928. This rejection is respectfully traversed. Applicants' attorney has studied the '928 patent and nowhere in it is there any discussion of a method whereby working parts of the paint ball marker are hardened in advance of applying a solid lubricant thereto. Moreover, the Scott '928 patent teaches directly away from applicants' claimed invention. Note in particular the statement made at column 1, lines 36-50, which indicates that no lubricants are employed since the moving parts of the Scott paint ball gun have no metal-to-metal surfaces.

Serial No. 10/799,249  
Amendment Dated September 20, 2005  
Reply to Office Action of June 29, 2005

By way of conclusion, then, all of the claims remaining in the application are believed to be in condition for allowance. Moreover, the formal objections to the specification have been addressed. Therefore, a Notice of Allowance of claims 2-12 and 14 are respectfully requested.

Respectfully submitted,

NIKOLAI & MERSEREAU, P.A.

A handwritten signature in black ink, appearing to read "Thomas J. Nikolai", is written over the printed name.

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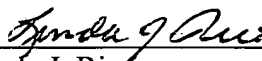
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Serial No. 10/799,249  
Amendment Dated September 20, 2005  
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### **CERTIFICATE OF MAILING**

I hereby certify that the foregoing Amendment is filed in response to the Official Action of June 29, 2005, in application Serial No. 10/799,249, filed on March 12, 2004, of Jonathan G. Gilbertson, et al., entitled "Paint Ball Gun Having Permanent Lubricated Surfaces" is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, postage prepaid, on September 20, 2005.

Date of Signature: September 20, 2005.

  
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